

Appl. No. 10/660,871
Docket No.: 1232-5148
Paper dated August 14, 2007
Reply to Office Action dated June 15, 2007

REMARKS

Reconsideration of the above-identified application in view of the following remarks is respectfully requested.

A. Summary of Interview with Examiners

Applicants would like to thank the Examiners for the courtesy extended to the telephonic interview conducted on August 9, 2007 with Applicants' representatives. During the telephonic interview, the grounds for rejection of the pending claims over, *inter alia*, European Patent Application No. 1,133,167 to Nakamura et al. ("Nakamura"), as stated in the Final Office action dated June 15, 2007, were discussed.

During the Examiner Interview, Applicants' representatives explained the inventive aspects of the present invention as featured in, e.g., claim 42, and differences between the present invention and Nakamura. In particular, Applicants' representatives explained that in the present invention the same sensed image is recorded on a recording medium in different formats (e.g., RAW and JPEG) in response to a designation of a format change instruction by a user. In contrast, Nakamura provides that the first raw data image is temporarily stored in DRAM 232, and then at the same time the second image is sensed, the first raw data image is converted to JPEG and then recorded on the memory card. Thus, Nakamura does not record raw image data onto a recording medium in such a way as recited in claim 42 of the present invention.

As Applicants' representatives understand it, the Examiners understood the inventive aspects of the present invention and their differences from Nakamura as discussed above.

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B. **Status of the Claims**

Claims 1-40 and 42-44 are currently pending, and among the pending claims, claims 42 and 43 are independent.

Applicants acknowledges with appreciation the indication of allowable subject matter in claims 20 and 40. These claims were, however, objected to as being dependent upon a rejected base claim. [06/15/07 Final Office Action at p. 11].

Claims 1-5, 7-8, 10, 12-15, 21-25, 27-28, 30, 32-35, and 41-44 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 2001/0020979 to Lathrop ("Lathrop"). Claims 6, 9, 16, 26, 29, and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lathrop, and further in view of European Patent Application No. 1,152,589 to Sarbadhikari et al. ("Sarbadhikari"). Claims 11 and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lathrop, and further in view of U.S. Patent No. 6,031,964 to Anderson ("Anderson"). Claims 17-19 and 37-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lathrop, and further in view of European Patent Application No. 1,133,167 to Nakamura et al. ("Nakamura"). Applicants respectfully traverse these rejections.

C. **Claims 1-40 and 42-44 are patentably distinct over Lathrop and/or Sarbadhikari, Anderson, or Nakamura either alone or in combination**

Applicants respectfully traverse the rejections of claims 1-40 and 42-44 over the cited references. Briefly, the cited references, either alone or in combination, fail to teach, disclose, or suggest all of the claim elements of Applicants' claims. Accordingly, the rejection should be traversed. MPEP § 2143

Applicants' claim 42 recites, *inter alia*,

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An image sensing apparatus comprising: an image sensor ... a recording unit ... and a controller that controls to record on said recording medium the sensed image in a first format in addition to the same sensed image in a second format, different from the first format, which is designated in advance, in response to a designation of a format change instruction which is different from said image sensing instruction when the format change instruction is designated by a user within a predetermined period after sensing the image.

Applicants' claim 43 recites similar features to claim 42 as described above.

One of the aspects of the present invention as featured in claim 42 records the sensed image on a recording medium in different formats such as RAW and JPEG. A format change instruction from the user is issued within the predetermined period (e.g., rec-review display period) to trigger the controller thereby controlling the image sensing apparatus. When the user is not satisfied with the processed image displayed during the rec-review period, the user may instruct to store the image in RAW format so that the user can later change the parameters of image processing. If, however, the user is satisfied with the processed image displayed during the rec-review period, raw data image which consumes considerably large storage capacity may not be recorded thereby saving the storage capacity of the recording medium and allowing more images to be recorded. Moreover, by limiting the period for accepting the format change instruction, the memory capacity may be released by the end of the period at most (since the raw image data is deleted from the memory), thereby allowing the user to perform the next image sensing operation after an interval of the period at most.

As Applicants explained in the previous Amendment submitted on March 27, 2007, none of Lathrop, Sarbadhikari and Anderson discloses the inventive aspects of claim 42 as discussed above.

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The Final Office Action alleges in the *Response to Arguments* section that Nakamura discloses a "controller that controls to record on said recording medium the sensed image in a first format in addition to the same sensed image in a second format," as recited in claim 42. [06/15/07 Final Office Action at p. 2]. The Final Office Action further indicates that Nakamura discloses that image data of two different formats are stored citing paragraphs [0065] through [0071].

Applicants submit however, that Nakamura fails to show or suggest recording image data as recited in claim 42 of the present invention as described above. For example, as discussed during the telephone interview with the Examiners, Nakamura instead discloses that the first raw image data are temporarily stored in DRAM 232, and the JPEG data are recorded on the memory card 8. It is noted in Nakamura that Raw data are not recorded on the memory card 8, and every raw data are eventually deleted with no exception in order to allow the user to perform the next image sensing. See, e.g., paragraphs [0068-69] of Nakamura.

Accordingly, Applicants submit that none of the cited references (i.e., Lathrop, Sarbadhikari, Anderson and Nakamura), either taken alone or in combination, discloses nor suggests "a controller that controls to record on said recording medium the sensed image in a first format in addition to the same sensed image in a second format" as recited in Applicants' claim 42. Therefore, Applicants respectfully request this ground of rejection be withdrawn. Applicants respectfully submit that independent claim 43, reciting similar features to claim 42 as discussed above, is also patentably distinct for at least similar reasons. Therefore, Applicants respectfully request this ground of rejection be withdrawn.

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Applicants have chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. These statements should not be regarded in any way as an admission that the cited documents are, in fact, prior art. Likewise, Applicants have not specifically addressed the rejections of each of the dependent claims. Applicants respectfully submit that the independent claims, from which they depend, are in condition for allowance as set forth above. Accordingly, the dependent claims are also in condition for allowance. Applicants, however, reserve the right to address such rejection of the dependent claims in the future as appropriate.

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CONCLUSION

For the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested.

Should an extension of time be required for the timely submission of this paper, such extension is hereby petitioned, and the Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment, or credit any overpayment, to Deposit Account No. 13-4500, Order No. 1232-5148.

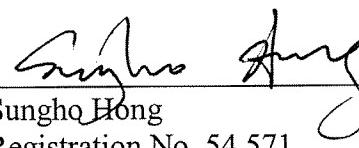
In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-5148.

Respectfully submitted,
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Dated: August 14, 2007

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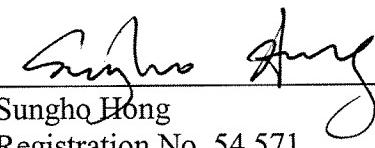
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